

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

MAR 14 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL KRYSIAK,
DANIEL P. MADIGAN, BRYAN A. FISH
and
RONALD D. EICHHORN

Application No. 09/510,782

ORDER RETURNING TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on February 28, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

Section 1208 of the Manual of Patent Examining Procedure (Eighth Edition, Rev. 2, May 2004) (MPEP) states:

Requirements for Examiner's Answer

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . .

(9) References of Record. A listing of the references of record relied on, and, in the case of nonpatent references, the relevant page or pages.

The Examiner's Answer mailed April 2, 2004 does not comply with the above requirement.

Section 707.08 of the MPEP states:

707.08 Reviewing and Initializing by Assistant Examiner

The full surname of the examiner who prepares the Office action will, in all cases, be typed at the end of the action . . .

After the action is typed, the examiner who prepared the action reviews it for correctness. The surname or initials of the examiner who prepared the action and the date on which the action was typed should appear below the action. If the examiner does not have the authority to sign the action, he or she should initial above the typed name or initials. . . .

The Examiner's Answer mailed April 2, 2004 is deficient in that there is no signature or initials for Son Nguyen. Correction is required.

Accordingly, it is

ORDERED that the application is returned to the examiner:

1. for issuance of a supplemental Examiner's Answer which contains the "References of Record" section;
2. for taking corrective action regarding the signature or initials for Son T. Nguyen;
3. for written notification to appellants regarding the action taken; and
4. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:


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DMS/psb/lc